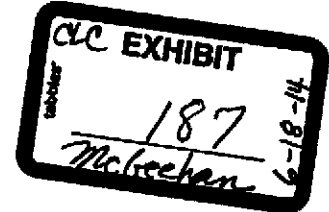


TRANSCRIPT OF PROCEEDINGS BEFORE
THE SENATE OF THE STATE OF TEXAS
EIGHTY-SECOND LEGISLATURE
(COMMITTEE OF THE WHOLE SENATE)
AUSTIN, TEXAS

IN RE:

CONSIDERATION OF
SENATE BILL 14

§
§
§
§



COMMITTEE OF THE WHOLE SENATE
TUESDAY, JANUARY 25, 2011

BE IT REMEMBERED THAT AT 8:05 a.m., on
Tuesday, the 25th day of January 2011, the above-
entitled matter continued at the Texas State Capitol,
Senate Chamber, Austin, Texas, before the Committee of
the Whole Senate. The following proceedings were
reported by Aloma J. Kennedy, Lorrie A. Schnoor and Kim
Pence, Certified Shorthand Reporters.

VOLUME 2

PAGES 20 - 542

CONSIDERATION OF SENATE BILL 14 1/25/2011

1 CHAIRMAN DUNCAN: All right. Thank you,
2 Ms. McGeehan.

3 The Chair recognizes Senator Davis.

4 QUESTIONS FROM SENATE FLOOR

5 SEN. DAVIS: Hello. Good evening. Thank
6 you so much for being here with us to provide answers
7 for our questions. I know you've had a long day.

8 I just want to ask you a few questions
9 about the current state of voter education as its taking
10 place today in the Secretary of State's Office. Can you
11 describe for us the use of the HAVA funds and how those
12 are currently being used today?

13 MS. MCGEEHAN: We received -- when
14 Congress passed the Help America Vote Act, the state of
15 Texas received a set amount of funds. And pursuant to
16 the Help America Vote Act, there are certain purpose
17 areas that we can use those funds for, and one of the
18 purpose areas is voter education. So since two -- we
19 have conducted three statewide education -- voter
20 education programs, one in 2006, one in 2008 and one in
21 2010 using those federal dollars. And they have been --
22 we've worked with a public education firm to do
23 research, and then they develop creative material. We
24 run PSAs on TV, radio. In this last cycle, 2010, we
25 used the Internet quite a bit as well.

CONSIDERATION OF SENATE BILL 14 1/25/2011

1 SEN. DAVIS: That's the amount that was
2 given to the state of Texas?

3 MS. MCGEEHAN: Yes.

4 SEN. DAVIS: Okay. And so of that amount,
5 how much have we spent so far?

6 MS. MCGEEHAN: Let's see here. We -- I
7 think we have spent \$177,798,488.

8 SEN. DAVIS: Okay. And you described
9 spending about \$3 million over the last three two-year
10 cycles. How have we spent the balance of that?

11 MS. MCGEEHAN: Well, I mean, the bulk of
12 the money or about half of the money went to counties to
13 obtain HAVA compliant voting systems, electronic voting
14 systems that made -- that complied with HAVA and allowed
15 disabled voters to vote independently. So let's see.
16 \$140 million went to the counties for that purpose.

17 The other program areas are for developing
18 a statewide voter registration system. We've spent
19 25 million on that. And then as far as the
20 administrative expenses, we've spent about 2.8 million
21 on that. For voter education, we've spent 9.5 million
22 so far.

23 SEN. DAVIS: And what are the -- setting
24 aside the requirements of the bill that's being
25 introduced today, what are the intended plans for the

CONSIDERATION OF SENATE BILL 14 1/25/2011

1 budget that I discussed is following that state plan.

2 SEN. DAVIS: Okay. And under that state
3 plan right now, what portion of funding remains for
4 voter education?

5 MS. MCGEEHAN: For voter -- okay. And
6 actually to be more precise, what the -- the purpose
7 area for voter education is for voter education and also
8 for election official and poll worker training; that's
9 grouped. And the amount remaining is between 5 and
10 \$7 million.

11 SEN. DAVIS: Okay. And that is expected
12 to extend us or to take us through the next how many
13 years under that plan?

14 MS. MCGEEHAN: It will -- again, it's
15 going to depend how extensive our next few voter
16 education programs are because that's what the bulk of
17 the money has been spent on, voter education programs.
18 The average is about 3 million. So I guess the hope
19 might be for at least two other statewide voter
20 education programs.

21 SEN. DAVIS: Okay. And I'm sure you've
22 seen the fiscal note that was a part of this bill. And
23 by the way, I think it would be very helpful if you
24 would enter that state plan into the record as an
25 exhibit for our further use.

CONSIDERATION OF SENATE BILL 14 1/25/2011

1 but it's hard for me to say today exactly how much that
2 may take away from future voter education efforts.

3 SEN. DAVIS: When was the last time in the
4 state of Texas we made any changes of significance to
5 the voter rules?

6 MS. MCGEEHAN: Probably the -- when we had
7 to implement the federal Help America Vote Act. That's
8 when provisional voting became a requirement. There
9 were significant changes to voter registration as to
10 what's required to become a registered voter, and that's
11 why we have these HAVA dollars for voter education.

12 SEN. DAVIS: And that began in '06.
13 Correct?

14 MS. MCGEEHAN: Correct.

15 SEN. DAVIS: Okay. In '06, the Texas
16 voter registration application form changed in
17 accordance with those requirements, it's my
18 understanding, and that's when we began to collect this
19 data that requested a driver's license number or a
20 social security number. Is that's correct?

21 MS. MCGEEHAN: That's correct.

22 SEN. DAVIS: Okay. So we have data, I
23 guess, only from '06, and that would -- would that only
24 be then for new registrants from '06? If I had already
25 registered to vote prior to that, you wouldn't have that

CONSIDERATION OF SENATE BILL 14 1/25/2011

1 percent number, but the actual number is 2.3 million
2 since 2006. Since January 1, 2006 through December 31,
3 2010, 2.3 million, when they registered, provided their
4 driver's license number.

5 SEN. DAVIS: What's the total number of
6 applications in that time period?

7 MS. MCGEEHAN: And the total number -- I
8 think it's going to be just under 3 million, and I'm
9 doing math on the fly. I might have to -- I'd prefer to
10 give that --

11 SEN. DAVIS: Can you provide that
12 information --

13 MS. MCGEEHAN: Yes.

14 SEN. DAVIS: -- to us?

15 MS. MCGEEHAN: Yes.

16 SEN. DAVIS: That would be appreciated.

17 So what's the number of people who are not
18 filling out either the driver's license number or the
19 social security number in Section 8 but instead are
20 going to Section 9 and signing the attestation clause of
21 Section 9?

22 MS. MCGEEHAN: And that's the attestation
23 clause saying they have not been issued either form of
24 ID?

25 SEN. DAVIS: (Nodded)

CONSIDERATION OF SENATE BILL 14 1/25/2011

1 was optional. It was on the form.

2 SEN. DAVIS: Uh-huh. Okay. So we really
3 don't know how many of that group were answering the
4 question voluntarily because they have the number versus
5 those who were not answering it, not because they chose
6 to, but because they did have their driver's license
7 number?

8 MS. MCGEEHAN: Yes, you are correct.
9 That's right.

10 SEN. DAVIS: So when we're putting
11 together an estimate of what the cost to educate our
12 voters is going to be and when we think about how
13 significant the changes are that are addressed in this
14 bill, what's your -- what's your process been to try to
15 determine how many people will be impacted and what that
16 voter education is going to need to look like?

17 MS. MCGEEHAN: Well, we -- I mean, to be
18 very honest, we haven't done much planning yet. We
19 prepared this fiscal note on Friday. That would be
20 obviously a very important component is trying to
21 identify who the appropriate audiences are, who you need
22 to get the information out to.

23 Senator Williams had approached us earlier
24 today to see if we could do some comparisons to try and
25 further focus in on who those registered voters are that

CONSIDERATION OF SENATE BILL 14 1/25/2011

1 what's required in order to vote in the state of Texas.
2 Why is the number to educate -- on such a sweeping
3 change for what will likely be a much larger group of
4 impacted people in the state of Texas, why is that
5 number so much lower than the \$3 million number that's
6 currently being spent for voter education?

7 MS. MCGEEHAN: Well, if the -- if a
8 \$2 million program is added into an existing \$3 million
9 program, then you've got a \$5 million program. I mean,
10 our voter education under HAVA is directed to all
11 registered voters. And so, you know, a new voter -- a
12 new photo ID requirement would also need to be directed
13 to all registered voters because it's a change for all
14 voters.

15 SEN. DAVIS: So we're talking about -- I'm
16 sorry to interrupt you. We're talking a \$2 million
17 addition to the \$3 million that was already intended for
18 voter education in this next two-year cycle.

19 MS. MCGEEHAN: Possibly, possibly. I
20 mean, we -- you know, we've got a communications
21 director that would have some input on that. This
22 fiscal note represented what we thought might be a
23 reasonable fiscal note. If we have, you know,
24 legislative direction to take it a different way or do
25 additional outreach, that's fine. But based on the way

CONSIDERATION OF SENATE BILL 14 1/25/2011

1 really nice to have them to do that. We never had that
2 kind of funding before. So if there's a desire to do
3 voter education programs of this -- of this type, then
4 we would need state appropriation.

5 SEN. DAVIS: So these federal funds will
6 take us basically through a one-time voter education
7 drive on the requirements of this new law, but it's not
8 going to take us further than that?

9 MS. MCGEEHAN: Not if we use it all,
10 not -- it could possibly use up the remainder of the
11 voter education funds.

12 SEN. DAVIS: Okay. So we've talked about
13 the voter education. Talk to us a little bit about the
14 costs of training the poll workers and the registrars.

15 MS. MCGEEHAN: We currently have several
16 training programs for -- well, we have training programs
17 for the county election officials and then other
18 training programs for the poll workers. We have an
19 online training program. We have a video. We have
20 handbooks. So we would have to update all of those --
21 all those different formats of training.

22 SEN. DAVIS: And what's the anticipated
23 costs for updating all those forms of training?

24 MS. MCGEEHAN: We don't usually put a
25 fiscal note when there's a change in state law and we

CONSIDERATION OF SENATE BILL 14 1/25/2011

1 MS. MCGEEHAN: It's my understanding that
2 when we've been asked to prepare fiscal notes for these
3 kinds of issues, we have not added a fiscal impact for
4 something that's already a statutory duty. As we
5 analyze HB 1, maybe we're going to have to revise that,
6 but at least our standing policy was if it was a
7 statutory duty that we're already charged to do, that we
8 don't put an additional fiscal note on it.

9 SEN. DAVIS: Are you concerned that you're
10 going to find yourselves fairly flatfooted in terms of
11 not being prepared with the resources that you need, to
12 train election workers and to train county
13 administrators on the requirements of this new law
14 facing the budget cuts that you're facing without a
15 fiscal note that's going to add resources to your
16 department for purposes of carrying out these
17 requirements?

18 MS. MCGEEHAN: I think all state agencies
19 in the state have concerns about providing the services
20 they are charged to provide in light of significant
21 budget cuts. But on the issue of training, the analysis
22 was that that was not going to cost anything additional
23 as to what we've already been appropriated.

24 SEN. DAVIS: And do you agree with that,
25 that it's not going to cost anything additional for your

CONSIDERATION OF SENATE BILL 14 1/25/2011

1 numbered year, we hold four seminars, and we have very
2 good attendance from our county election officials. So
3 I would be certain that our August county election
4 official seminar will be heavily -- if this passes will
5 heavily emphasize these new rules.

6 To go back to the federal funds, which we
7 know are limited, the grant for voter education also
8 includes election official training and poll worker
9 training. So if there are any remaining HAVA dollars in
10 that category that we don't use on voter education, we
11 could perhaps use to additional -- to develop additional
12 training materials.

13 SEN. DAVIS: Yes, and we talked about that
14 a moment ago, and you did state on the record that that
15 category of 5 to \$7 million that's remaining is the
16 entirety of the federal resource that you have available
17 to you right now, both for voter education and for
18 training purposes. And we've also talked about the fact
19 that the expectation and the demand on that particular
20 fund for public education is going to take the
21 significant balance that remains there. Correct?

22 MS. MCGEEHAN: Right. Well, just to be
23 clear, the remaining balance in the HAVA is all we have
24 for voter education, but there are some state funds -- I
25 don't think it's a lot -- but that would go towards

CONSIDERATION OF SENATE BILL 14 1/25/2011

1 MS. MCGEEHAN: Okay. I think that what
2 that is referring to is that at the end of Senate
3 Bill 14, there's a reference that says county voter
4 registrars can use Chapter 19 funds to defray costs in
5 conducting a voter registration drive. But I don't see
6 anything -- and I may have missed it -- but I don't see
7 anything in Senate Bill 14 that requires a voter
8 registration drive. I think it's -- what that section
9 in the bill is doing is trying to make clear that these
10 funds, which are -- go to county voter registrars to
11 enhance voter registration could be used to do voter
12 registration drives, but I don't see anything that
13 requires a voter registration drive in Senate Bill 14.

14 SEN. DAVIS: What resources currently are
15 expected of our local governments in carrying out the
16 training and the public awareness programs under our
17 election code.

18 MS. MCGEEHAN: The -- there's no state law
19 requirement to do voter education by the county
20 officials. Most of them do it as a public service
21 because they want to, but there's not a mandate under
22 state law to do that.

23 Under Senate Bill 14, there's required
24 training of poll workers on the new photo ID
25 requirements. And I may have missed part of your

CONSIDERATION OF SENATE BILL 14 1/25/2011

1 currently on the roll because I've married or I've
2 divorced, how is that situation handled today?

3 MS. MCGEEHAN: State law doesn't directly
4 address it. So I think that as a practical matter
5 what's happening is the poll workers are making judgment
6 calls as they qualify those voters for voting.

7 SEN. DAVIS: But they are not being given
8 guidance or rules or requirements in terms of how they
9 are to deal with that situation today?

10 MS. MCGEEHAN: No.

11 SEN. DAVIS: It's within their discretion?

12 MS. MCGEEHAN: At this point. I mean,
13 state law is silent on it, and our office has not issued
14 any guidance on it. So we're hearing a lot about that
15 today. That's definitely something we'll probably need
16 to look into, but right now there is no rule or statute
17 on that issue.

18 SEN. DAVIS: Okay. And today if I go to
19 vote and my identification that I use for purposes of
20 voting has a different address on it than is listed on
21 the precinct roll, I think it's the interpretation today
22 under 2004 Secretary of State opinion that I am asked
23 for my correct address, and I am to be believed if I say
24 that my address is the address that's on the precinct
25 list as opposed to what might be on my ID?

CONSIDERATION OF SENATE BILL 14 1/25/2011

1 SEN. DAVIS: And what steps would the
2 Secretary of State's Office engage in to assure that the
3 ID wasn't being used to establish an understanding of
4 the voter's residency?

5 MS. MCGEEHAN: Would definitely, I think,
6 be included in our training materials to emphasize that.

7 SEN. DAVIS: Currently, is there any
8 information that the Secretary of State's Office gathers
9 that breaks down by category voters in the state? And
10 when I say "by category," I mean by race, by gender, by
11 disability, by age.

12 MS. MCGEEHAN: We have some information.
13 We have -- we have age for sure. On gender -- we have
14 some information on gender, but it's not conclusive
15 because gender is now -- it used to be a required
16 element on the voter registration application. In 1995,
17 it was taken -- or it became optional after the National
18 Voter Registration Act. So we have some data on gender,
19 but, again, it's not complete.

20 Regarding ethnicity, we really -- we don't
21 have any information like that because it's not
22 collected when a person applies to register to vote.
23 The only data that we do have is we do have the number
24 of voters that have an Hispanic surname. And so we can
25 run the list of registered voters against this list of

CONSIDERATION OF SENATE BILL 14 1/25/2011

1 to have some way to collect it. So we could revisit
2 putting that question or adding that as a question to
3 the voter registration application. I'd be happy to
4 visit on ways where we could try and collect that, but
5 right now we would not have the tools that we would need
6 to be able to collect that data.

7 SEN. DAVIS: It seems rather important as
8 implementation of this law advances that that
9 information be made available for the Justice Department
10 review as well as any judicial review that might occur
11 in terms of the impact of the implementation of the law.

12 I believe that's all the questions I have
13 for you. Thank you so much.

14 MS. MCGEEHAN: Thank you.

15 CHAIRMAN DUNCAN: The Chair recognizes
16 Senator West.

17 SEN. WEST: Thank you very much,
18 Mr. Chairman. Many of the questions Senator Davis has
19 already asked, but have you had a chance to look at the
20 bill as introduced?

21 MS. MCGEEHAN: Yes.

22 SEN. WEST: Okay. Do you happen to have
23 it there in front of you?

24 MS. MCGEEHAN: Yes, I do.

25 SEN. WEST: Okay. Great. Before I get

CONSIDERATION OF SENATE BILL 14 1/25/2011

1 opinion or something like that?

2 MS. MCGEEHAN: Well, advisories are
3 usually a little more -- it's like the most formal that
4 we do.

5 SEN. WEST: Right.

6 MS. MCGEEHAN: Yeah. Okay.

7 SEN. WEST: All right. Let me ask you to
8 go to Page 4 of the bill.

9 MS. MCGEEHAN: Okay. Can you tell me the
10 section? Because I think I have a different format.

11 SEN. WEST: Okay. It's Section 7, and
12 Section 7(c) and (d).

13 MS. MCGEEHAN: Okay.

14 SEN. DAVIS: Let me know when you get
15 there,

16 MS. MCGEEHAN: Yes.

17 SEN. WEST: Okay. It's my understanding
18 that the election officer that's being referred to in
19 Section (d) is -- is the individual working at the poll.
20 Is that right?

21 MS. MCGEEHAN: Yes.

22 SEN. WEST: Okay. That person will be
23 called upon in Section (d) to determine if the voter's
24 name is on the precinct list of registered voters, and
25 the voter's identity can be verified from the

CONSIDERATION OF SENATE BILL 14 1/25/2011

1 the best practices on reasonable methods to verify the
2 ID document against the list of registered voters.

3 SEN. WEST: Okay. But you would agree
4 with me that in interpreting Section (c) and (d) without
5 some sort of guidance would lend itself to a great deal
6 of subjectivity; thus inconsistent application
7 throughout the state?

8 MS. MCGEEHAN: It could, yes.

9 SEN. WEST: Okay. As it relates to --
10 let's see. What page is it on? The next page, which
11 will be (h), it's in the same section.

12 MS. MCGEEHAN: Okay.

13 SEN. WEST: Would you read Section (h) and
14 tell me how you interpret that as the chief
15 administrator of the election laws in the state of Texas
16 next to, needless to say, Secretary of State?

17 MS. MCGEEHAN: (h) reads, "The
18 requirements for identification prescribed by Subsection
19 (b) do not apply to a voter who: (1) presents the
20 voter's voter registration certificate on offering to
21 vote; and (2) was 70 years of age or older on January 1,
22 2012, as indicated by the date of birth on the voter's
23 voter registration certificate."

24 The way I had -- until earlier this
25 afternoon when Senator Ellis asked the question, I had

CONSIDERATION OF SENATE BILL 14 1/25/2011

1 MS. MCGEEHAN: Yes. Our agency put it --
2 I helped.

3 SEN. WEST: Okay. Did someone under your
4 supervision contact local governments to determine the
5 impact, the fiscal impact, that implementation of this
6 will have?

7 MS. MCGEEHAN: No, we did not.

8 SEN. WEST: That was done by someone else?

9 MS. MCGEEHAN: I think LBB does that. We
10 just -- we just --

11 SEN. WEST: Provided the information?

12 MS. MCGEEHAN: Yeah. Right.

13 SEN. WEST: And based on your experience
14 when these types of changes -- let me back up.

15 How much experience have you had in this
16 particular area, that is, the election laws, in
17 administration of election laws?

18 MS. MCGEEHAN: I have been working in the
19 elections division for 21 years.

20 SEN. WEST: So you've had a little
21 experience, huh?

22 MS. MCGEEHAN: Yes.

23 SEN. WEST: Okay. All right. As it
24 relates to when changes are made in state law of this
25 nature, is there an impact, a fiscal impact, on local

CONSIDERATION OF SENATE BILL 14 1/25/2011

1 impact is the training. If the counties have to change
2 up their training procedures much or do more training
3 because they want to make sure the word is out to all
4 their -- that might increase their training costs.

5 SEN. WEST: Okay. So there are some
6 factors that need to be taken into consideration as to
7 whether or not counties will be burdened with additional
8 cost to implement this law. Is that correct?

9 MS. MCGEEHAN: Yes.

10 SEN. WEST: Okay. And would it be a fair
11 statement to say the larger the county, the more of the
12 burden -- of the financial burden -- well, that's not a
13 fair question.

14 Would it be a fair statement to say that
15 the larger the county, the larger the potential
16 financial obligation that they would have to encounter
17 in order to implement the law?

18 MS. MCGEEHAN: I think that's true, but I
19 can hear small counties say that it might be
20 proportional, you know, since their budgets are -- I
21 mean --

22 SEN. WEST: Right. It's all relative to
23 what your budgets are.

24 MS. MCGEEHAN: Yeah.

25 SEN. WEST: But the fact is that that --

CONSIDERATION OF SENATE BILL 14 1/25/2011

1 analysis -- at least solicit from the various counties
2 what the fiscal implication is going to be in order to
3 implement this bill.

4 CHAIRMAN DUNCAN: Okay. I think, Senator,
5 that will be an individual request from you, and then it
6 can be distributed to all members of the Senate --

7 SEN. WEST: Okay.

8 CHAIRMAN DUNCAN: -- whenever it's done.
9 You know, I doubt that that will be done by the time we
10 rise and report to the Senate.

11 SEN. WEST: Okay. We can't get it
12 tonight?

13 (Laughter)

14 SEN. WEST: I'm just joking with you.

15 CHAIRMAN DUNCAN: You won't be a very
16 popular guy if the --

17 SEN. WEST: I'd like --

18 (Laughter)

19 SEN. WEST: I'd like to get it as soon as
20 possible, though.

21 Let's see. No further questions. Thank
22 you very much.

23 MS. MCGEEHAN: Thank you.

24 CHAIRMAN DUNCAN: Thank you, Senator West.
25 Senator Gallegos?

CONSIDERATION OF SENATE BILL 14 1/25/2011

1 you came up with your fiscal note. Is that correct?

2 MS. MCGEEHAN: Yes.

3 SEN. GALLEGOS: Okay. Well, then what are
4 they doing that we're not or, you know, how can you --
5 you know, for \$10 million for 5.9 million people and
6 we're only going to spend 2 million, I mean, what's the
7 difference?

8 MS. MCGEEHAN: I am not familiar with the
9 Missouri voter identification bill, and I did hear you
10 ask that earlier today, but I've been trying to listen
11 to all the questions. So we can -- we can research it
12 and see. Some states actually provide more to their
13 local county governments and print ballots and things
14 like that. I don't know if that's the situation in
15 Missouri, but I honestly don't know the answer to that
16 question because I don't know what the Missouri voter ID
17 law requires.

18 SEN. GALLEGOS: Well, it's a substantial
19 more amount of money than we're looking --

20 MS. MCGEEHAN: Yeah.

21 SEN. GALLEGOS: -- at the fiscal note that
22 you have -- that you've given this committee on Senate
23 Bill 14. And I just -- it concerns me that that amount
24 of money, if somebody is doing -- in the formula or
25 methodology that you came up with that number -- I mean,

CONSIDERATION OF SENATE BILL 14 1/25/2011

1 would concern me, and I would hope it would concern any
2 of the other Senators on this floor. Are we, you know,
3 really going to do -- in implementing this bill, are we
4 going to educate those folks out there?

5 Now, you know -- and I'd like that answer.
6 I mean, you can't answer it now, I understand, but I
7 would like an answer to that.

8 MS. MCGEEHAN: We'll get you an answer.

9 SEN. GALLEGOS: And a comparison on what
10 really your states that have implemented voter ID, how
11 much are they paying, you know, to implement the program
12 and what they do.

13 Now, on the fiscal note, it says you're
14 going to do TV and radio and some other things. I mean,
15 can you explain to this body the process on TV, or is it
16 going to be in different languages, or how are you going
17 to -- how are you going to split up the money? Who gets
18 the most? You know, I mean, it's not -- it's not
19 explained to us in the fiscal note how you're going to
20 spread the money around. And is that going to be
21 accessible to us or how the process is going to be, or
22 how much money are you going to spend in Harris County
23 as opposed to Lubbock, Texas or wherever?

24 MS. MCGEEHAN: Yes, that would be
25 available. And, you know, the programs that we've done

CONSIDERATION OF SENATE BILL 14 1/25/2011

1 under 31.012, Voter Identification, Senator West brought
2 it up about -- it says here you and -- your office and
3 the voter registrar of each county that maintains it
4 shall provide notice of the ID requirements as
5 prescribed by this change.

6 Now, my concern there is, is at the county
7 level -- you know, I think Senator West brought it up --
8 is how much is going to be incumbent on each county, you
9 know? I and others here on this floor represent the
10 largest county, Harris County, and Harris County is
11 already starting to lay off, and they have a shortfall,
12 and they are laying off as we speak right now. So, you
13 know -- and I see what it says in the bill, you know,
14 that you're going to get together with them. I mean,
15 are they going to have the money? Or where is the -- if
16 they don't have the money, where is the other money
17 going to come from? Other than the 2 million you
18 already have prescribed here and any federal matches
19 that come in, where is that money going to come if those
20 counties cannot provide?

21 MS. MCGEEHAN: I think that the bill
22 presumes that counties have a website, and so this
23 requirement is that they post, you know, the information
24 about the new photo ID requirements that the Secretary
25 of State's Office will actually prescribe. So we will

CONSIDERATION OF SENATE BILL 14 1/25/2011

1 You can't presume anything if they're
2 laying off right now as we speak, and that's a fact.
3 Like I said, that's not a presumption. That concerns
4 me. And what I'm asking is that if that can't happen in
5 Harris County or any other county in this state, where
6 is the extra money? If they don't have, obviously, the
7 funds to provide what is prescribed under Senate Bill
8 14, where is that money going to come from?

9 MS. MCGEEHAN: Well, you know, Senate Bill
10 14 doesn't make an appropriation to the county, so I
11 don't know the answer to your question on that because,
12 like I said, the bill -- I think the assumption is that
13 counties have a website. So if they're not going to
14 have a website --

15 SEN. GALLEGOS: But the bill prescribes
16 that you will work in conjunction with the county
17 registrar. Is that what I'm reading --

18 MS. MCGEEHAN: Yes.

19 SEN. GALLEGOS: -- or am I reading the
20 wrong bill?

21 MS. MCGEEHAN: Maybe I'm not -- the way I
22 read that was that we would provide them the wording,
23 the language that they would put up on their website.

24 SEN. GALLEGOS: Well, you're going to
25 provide them with that. But what about the bodies and

CONSIDERATION OF SENATE BILL 14 1/25/2011

1 Secretary of State's office.

2 SEN. GALLEGOS: Okay. So what you're
3 telling me is that outside of the \$2 million that's in
4 the fiscal note and that under this section that you're
5 going to work with the registrar in each county, then we
6 just have to roll the dice and hope that the money is
7 there. Is that what you're telling me?

8 MS. MCGEEHAN: Well, I think this fiscal
9 note that LBB did put -- does indicate that there may be
10 some county costs. You know, they did put some numbers
11 in for Tarrant County and for Bexar County. So, you
12 know, it's not -- I don't think it's the number you're
13 looking for. It's not a comprehensive number, but I
14 think that the fiscal note does indicate that there may
15 be a fiscal impact on counties.

16 SEN. GALLEGOS: There may be a fiscal
17 impact. You don't know how much?

18 MS. MCGEEHAN: No, I don't.

19 SEN. GALLEGOS: So what we're looking at
20 in your fiscal note is just an open-ended fiscal note.
21 Is that what you're telling me?

22 MS. MCGEEHAN: The fiscal note is really
23 showing the impact on the Secretary of State's office.
24 I can't really speak to how the portion of the fiscal
25 note that concerns impact on local government, how

CONSIDERATION OF SENATE BILL 14 1/25/2011

1 funds to do it. You know, to me, that's an unfunded
2 mandate in really telling Texans that are looking at
3 this debate on computer and that are looking at this
4 bill online, that this \$2 million fiscal note that
5 you've provided is only an impact to the state, not the
6 counties, not each county. Is that correct?

7 MS. MCGEEHAN: That's correct.

8 SEN. GALLEGOS: Okay. Thank you very
9 much.

10 CHAIRMAN DUNCAN: Thank you, Senator
11 Gallegos.

12 Senator Van de Putte.

13 SEN. VAN de PUTTE: Thank you,
14 Mr. Chairman.

15 Ms. McGeehan, you've been an excellent
16 resource witness for us, and there are just two
17 questions that I need to ask to get into the record with
18 regard to a survey.

19 Does Texas participate in the Election
20 Administration and Voting Survey?

21 MS. MCGEEHAN: Yes.

22 SEN. VAN de PUTTE: When was this survey
23 completed, the last survey was completed? Was it after
24 the 2008 election?

25 MS. MCGEEHAN: Yes.

KENNEDY REPORTING SERVICE, INC.

512.474.2233

TX_00000840

CONSIDERATION OF SENATE BILL 14 1/25/2011

1 provisional ballots in all of the country.

2 MS. MCGEEHAN: Yes.

3 SEN. VAN de PUTTE: At least that's what I
4 understand from the report.

5 MS. MCGEEHAN: That's correct.

6 SEN. VAN de PUTTE: Thank you. I know
7 that we have the datasets that were put in for 2008, and
8 so hopefully that we will be able to get this and make
9 sure that as we monitor the bill as it progresses and
10 the bill as it's implemented, we certainly don't need to
11 get to the bottom of the bottom of the bottom on
12 rejection of provisional ballots.

13 Thank you.

14 CHAIRMAN DUNCAN: Thank you, Senator Van
15 de Putte.

16 Senator Fraser.

17 SEN. FRASER: Thanks for being here today
18 and waiting all day.

19 I would like to clarify a point before you
20 sit down. I think you're aware this morning that we had
21 entered into a record -- the Secretary of State had a
22 letter addressing the \$2 million in the HAVA funds that
23 was put into the record. Our understanding, from
24 talking to the Secretary, the way the HAVA funds work,
25 and also her relationship with the county, that she has

CONSIDERATION OF SENATE BILL 14 1/25/2011

1 MS. MCGEEHAN: That's correct. And just
2 an example of that, the cost that Bexar County put in
3 the fiscal note was -- I think their assumption was that
4 the certificate, the voter registration certificate
5 would have to increase in size. And I don't see
6 anything in the bill that requires that. And the
7 Secretary of State prescribes the form. So once that's
8 explained to the county, they might withdraw that
9 fiscal --

10 SEN. FRASER: I want to make sure that
11 that's clear, is that some of these assumptions are
12 possibly the-sky-is-falling assumptions that this is --
13 you know, this expense is going to be put on us, and I
14 don't think that's been discussed. And some of this, I
15 think, can be done by ruling of the Secretary of State,
16 directing them. And there is a real good chance that a
17 lot of these expenses go away that can be absorbed
18 through the Secretary of State. And that is correct,
19 isn't it?

20 MS. MCGEEHAN: Yes.

21 SEN. FRASER: Okay. I wanted to clear
22 that up. Thank you so much.

23 CHAIRMAN DUNCAN: The Chair recognizes
24 Senator Williams.

25 SEN. WILLIAMS: Thank you, Mr. Chairman.

CONSIDERATION OF SENATE BILL 14 1/25/2011

1 had talked earlier about the project that I asked you to
2 do, to cross-reference the driver's licenses and the
3 voter registration. How is that coming along? I know I
4 only asked today, but I just --

5 MS. MCGEEHAN: Yes.

6 SEN. WILLIAMS: -- but what is a
7 reasonable expectation for us to get that information?

8 MS. MCGEEHAN: I would hope by the end of
9 the week. One thing that our IT folks and our election
10 experts are trying to struggle with is like matching
11 criteria --

12 SEN. WILLIAMS: Right.

13 MS. MCGEEHAN: -- you know, which we won't
14 have a TLD number, so we're working through some of
15 that. But I would expect by the end of the week we
16 would have it, if not earlier.

17 SEN. WILLIAMS: Okay. So do you need any
18 further direction from us? For instance, if we wanted
19 to target that universe of people that we know are out
20 there and maybe make a little extra effort to make sure
21 that they understood they were going to have a new
22 requirement when they went to vote as far as getting a
23 photo ID, if they didn't already have one -- and we've
24 identified who they are -- if we gave legislative intent
25 as a part of the bill tomorrow, would that be sufficient